

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-001130

12/22/2005

HONORABLE LINDA H. MILES

CLERK OF THE COURT
G. Smith
Deputy

IN RE THE MARRIAGE OF
KATHERINE G SILVESTRI

FILED: 01/05/2006

ROBERT L SCHWARTZ

AND

JOSEPH A SILVESTRI

DEEAN GILLESPIE

DR JOEL GLASSMAN
7520 E 2ND ST STE I
SCOTTSDALE AZ 85251

TRIAL SETTING

Courtroom 106 (In Chambers)

8:35 a.m. This is the time set for telephonic Status Conference. Petitioner/Mother is not present, but is represented by Dana Levy on behalf of above-named counsel. Respondent/Father is not present, but is represented by above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion commences regarding the status of this case.

IT IS ORDERED that the specific discovery requested by Mother, as discussed this date, shall be provided by Father no later than January 13, 2006.

IT IS FURTHER ORDERED setting Trial to the Court regarding the Petition for Dissolution of Marriage on May 10, 2006 at 9:00 a.m. (1 day allowed) in this Division at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Form D000A

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Courtroom 106
Phoenix, Arizona 85032

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rule 26.1, Arizona Rules of Civil Procedure, including an exchange of all relevant information, and documents within the time limits set forth in Rule 26.1. In addition, the parties shall exchange final lists of witnesses, including a summary of the testimony of each witness and exhibits no later than 30 days prior to Trial.
2. All depositions and discovery contemplated by Rules 26 through 37, Arizona Rules of Civil Procedure, shall be completed and any motions regarding discovery shall be filed no later than 20 days prior to Trial.
3. Counsel and both parties shall personally meet, face to face (unless an Order of Protection is in effect and neither party is represented by counsel), at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 6.8, Local Rules of Practice -Maricopa County (Family Court Cases), no later than 5 days prior to trial.

IT IS FURTHER ORDERED that the Joint Pre-trial Statement shall include:

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1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).

2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.

4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

5. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.

6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested. The party requesting spousal maintenance also shall prepare a document stating the need for spousal maintenance, including a list of monthly expenses and a discussion of the factors under A.R.S. §25-319 justifying the amount of spousal maintenance.

7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Schweiger v. China Doll Restaurant, Inc., 138 Ariz. 183, 673 P.2d 927 (App. 1983).

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

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IT IS ORDERED that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 52, Arizona Rules of Civil Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 30 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

8:55 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.